



PLANNING COMMISSION SYNOPSIS

Monday, May 2, 2005

4:00 PM STUDY SESSION

Room 216B

Review Capital Improvement Program

6:00 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Monday, May 2, 2005***. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

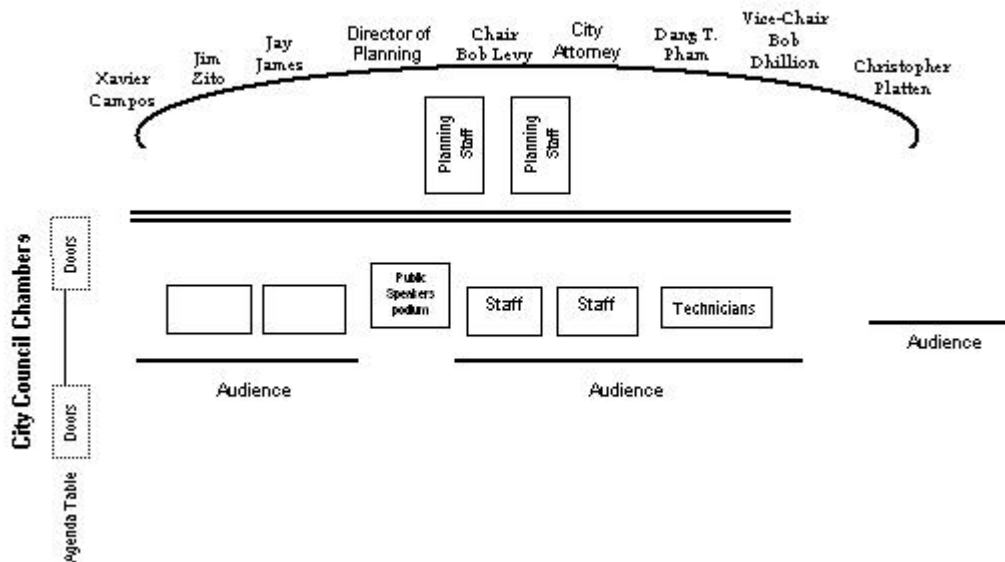
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT, EXCEPT PLATTEN

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **CP04-107**. Wireless - Conditional Use Permit to allow the co-location of a wireless communications antenna on an existing free-standing monopole in the R-1-8 Single-Family Residence Zoning District, located on southwest corner of Piedmont Road and Ruskin Drive (955 PIEDMONT RD) (Berryessa Union School District, Owner). Council District 4. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; PLATTEN ABSENT)

- b. **CP05-010**. Conditional Use Permit to allow co-location of wireless communication antenna within a previously approved free-standing bell tower and associated equipment on the ground in an existing church premises on a 5.16 gross acres site in the R-1-8 Single-Family Residence Zoning District, located on south side of Sierra Road approximately 1,600 feet easterly of Piedmont Road (3430 SIERRA RD) (Christ Life Lutheran Church, SJ, CA, Owner). Council District 4. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; PLATTEN ABSENT)

The following items are considered individually.

4. PUBLIC HEARINGS

- a. CITY'S PROPOSED 2006-2010 CAPITAL IMPROVEMENT PROGRAM.
Approval of the Planning Commission's report to the City Council transmitting comments and recommending adoption of the Proposed 2006-2010 Capital Improvement Program (CIP).

APPROVED (6-0-1; PLATTEN ABSENT)

COMMISSIONER JAMES COMMENTED THE BUDGET WAS A DOCUMENT TO BE PROUD OF, BUT STRESSED THAT THE CITY STAFF AND THE CITY COUNCIL SHOULD REMAIN VIGILANT ON IMPROVEMENTS NEEDED FOR THE AIRPORT BECAUSE THE AIRPORT IS NOT YET WORTHY OF A CITY THE SIZE OF SAN JOSE, AND THE CITY SHOULD IMPROVE THE AIRPORT TO BE AN ASSET AND AN ATTRACTION. COMMISSIONER LEVY ALSO COMMENTED THAT THE CIP IS AN OUTSTANDING DOCUMENT AND THAT THE ECONOMY STILL DOESN'T LOOK STRONG AND THE CITY SHOULD KEEP AN EYE TOWARD THE FUTURE WITH REGARD TO OPERATING AND MAINTENANCE COSTS.

- b. PDC04-093. Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 91 single-family attached residences on a 4 gross acre site, located on the northwest corner of King and Mabury Roads (1685 MABURY RD) (Cherry Acres, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

DEFERRED TO 5-11-05 (6-0-1; PLATTEN ABSENT)

- c. CP04-100. Conditional Use Permit to allow an annual three-day food and cultural festival on a 2.6 gross acre church site in the R-1-8 Single-Family Residence Zoning District, located on the East side of Davis Street approximately 200 feet northerly of Chapman Street (1260 DAVIS ST) (Greek Orthodox Community of Santa Clara County, Owner). Council District 6. SNI: None. CEQA: Negative Declaration (File No. CP94-036). Deferred from 4-27-05.

APPROVED (6-0-1; PLATTEN ABSENT)

STAFF RECOMMENDATION WITH ADDED CONDITIONS TO 1) REMOVE BARBED WIRE FROM FENCING PRIOR TO START OF 2005 FESTIVAL, AND 2) HAVE STAFF WORK WITH APPLICANT TO IDENTIFY APPROPRIATE MIX OF RESIDENTIAL AND FESTIVAL STAFF PARKING ON CLOSED RESIDENTIAL STREETS.

THE APPLICANT CONCURRED WITH STAFF RECOMMENDATION BUT ASKED FOR SOME PROVISION FOR A MODEST AMOUNT OF PARISHIONER/FESTIVAL WORKER PARKING ON CLOSED RESIDENTIAL STREETS. STAFF RESPONDED THAT INTENT WAS TO PROVIDE ADEQUATE

PARKING FOR RESIDENTS AND THEIR GUESTS, BUT THAT ADDITIONAL ADJUSTMENTS COULD OCCUR WITH APPLICANT PRIOR TO FESTIVAL. COMMISSIONER ZITO NOTED THAT SEVERAL CONDITIONS IN THE DRAFT PERMIT HAD DEADLINES BEYOND THE DATES OF THIS YEAR'S FESTIVAL. STAFF EXPLAINED THAT WITH THIS PERMIT, THE 2005 FESTIVAL COULD OCCUR WITH A FEW CHANGES AND THEN STAFF COULD WORK WITH APPLICANT ON IMPROVING FESTIVAL OPERATION FOR FUTURE YEARS. COMMISSIONER ZITO ASKED IF BARBED WIRE ON FENCE WOULD BE CONSIDERED A SAFETY ISSUE AND ASKED APPLICANT IF IT COULD BE REMOVED PRIOR TO THE 2005 FESTIVAL AND THE APPLICANT RESPONDED THAT IT COULD BE. COMMISSIONER ZITO MOVED APPROVAL OF THE STAFF RECOMMENDATION WITH A CONDITION TO REMOVE THE BARBED WIRE BEFORE THE 2005 FESTIVAL, AND THAT STAFF COULD WORK WITH THE APPLICANT TO ENSURE ADEQUATE PARKING FOR AREA RESIDENTS ON CLOSED STREETS.

- d. The projects being considered are located on the northside of Blossom Hill Road, opposite the terminus of Croydon Avenue (12385 Blossom Hill Road) (San Jose Conservation Corps/Ken Fuller, Owner). Council District 9. SNI: None. CEQA: Exempt.
1. [PDC03-088](#). Reconsideration and ratification of an ordinance (# 27098) adopted on March 16, 2004 by the City Council for a Planned Development Rezoning from A-Agriculture Zoning District to A(PD) Planned Development Rezoning to allow up to seven (7) single-family detached residential units and possible ratification of same.

RECOMMEND RATIFICATION (6-0-1; PLATTEN ABSENT)

STAFF GAVE A BRIEF UPDATE REGARDING A COMMUNITY MEETING HELD ON APRIL 28, 2005, NOTING RESIDENTS' CONCERNS FOCUSED ON THE PROBLEM WITH NOTICING, EXCESSIVE DENSITY/NUMBER OF UNITS ON THE SMALL SITES, AND POSSIBLE EXACERBATION OF EXISTING PARKING PROBLEMS RELATED TO PIONEER HIGH SCHOOL. THE APPLICANT COMMENTED THE PROJECT HAD BEEN UNDER DEVELOPMENT FOR 3 YEARS AND HAD ORIGINALLY BEEN PROPOSED FOR EIGHT UNITS. AREA RESIDENTS EXPRESSED CONCERN ABOUT THE EXISTING PARKING SITUATION, THAT CONNISTON WAY WOULD BE TOO FAR FOR OFF-SITE PARKING, THAT THE PROJECT IS TOO DENSE WITH TOO MANY UNITS AND THAT INGRESS AND EGRESS TO THE SITE FROM BLOSSOM HILL ROAD WOULD BE UNSAFE. MOST SPEAKERS NOTED EXCELLENT EFFORTS OF CONSERVATION CORPS TO PROVIDE AFFORDABLE HOUSING AND TRAIN YOUTH.

COMMISSIONER ZITO INDICATED HE SUPPORTED THE GOALS OF THE PROJECT, BUT INQUIRED IF THE PROJECT COULD BE REDUCED TO SIX UNITS. THE APPLICANT CLARIFIED THAT REDUCING UNITS WOULD RESULT IN LESS AFFORDABLE UNITS AND THE PROJECT HAD ALREADY LOST ONE UNIT. STAFF CLARIFIED THAT SEVEN UNITS WOULD WORK ON THE SITE TO FACILITATE THE AFFORDABILITY,

THAT THREE GUEST PARKING SPACES WOULD FIT ON CONNISTON, THAT THE PROPOSED DENSITY WAS WITHIN THE GENERAL PLAN DENSITY, AND THAT SETBACKS WERE MORE GENEROUS FOR THESE TWO-STORY HOUSES THAN IN A TYPICAL SINGLE-FAMILY ZONING DISTRICT.

COMMISSIONER JAMES ASKED FOR CLARIFICATION ON THE ISSUE OF THREE OVERFLOW PARKING SPACES ON CONNISTON AND NOT BLOSSOM HILL. STAFF RESPONDED THAT THE DEPARTMENT OF TRANSPORTATION POLICY WOULD NOT PERMIT ON-STREET PARKING ON 6-LANE ARTERIALS, AND THAT A FUTURE BIKE LANE WAS PROPOSED. COMMISSIONER ZITO COMMENTED THAT PARKING ON THE EAST SIDE ON CONNISTON WOULD BE REDUCED WHEN THE FIRE STATION IS CONSTRUCTED AND STAFF COMMENTED PARKING COULD OCCUR ON THE OTHER SIDE OF THE STREET.

COMMISSIONER JAMES ASKED FOR CLARIFICATION REGARDING PROJECT ACCESS TO BLOSSOM HILL AND PUBLIC WORKS STAFF COMMENTED THE PROJECT IS VERY SMALL, ONLY RIGHT IN/RIGHT OUT TURNS ALLOWED AND U-TURNS ARE AVAILABLE FROM THE LEFT TURN POCKET, AND CONFIRMED DRIVEWAY WIDTH ADEQUATE FOR SMALL PROJECT WITH NO CURBSIDE PARKING.

COMMISSIONER CAMPOS RECOMMENDED RATIFICATION OF THE PD ZONING AND PERMIT. COMMISSIONER ZITO STATED THE NEIGHBORHOOD RESIDENTS MADE GOOD POINTS AND CONCURRED PROJECT WILL HAVE SOME IMPACT TO NEIGHBORHOOD BUT REAL IMPACTS FROM ONLY SEVEN UNITS WOULDN'T LIKELY BE AS BAD AS EXPECTED AND THERE IS A REAL NEED FOR AFFORDABLE OWNERSHIP HOUSING AND THE TRAINING OPPORTUNITY THIS DEVELOPMENT WILL PROVIDE.

2. [PD04-034](#). Reconsideration and ratification of the approval of a Planned Development Permit by the Director of Planning on November 19, 2004 to construct seven (7) single-family detached residences and possible ratification of same.

RECOMMEND RATIFICATION (6-0-1; PLATTEN ABSENT)

SEE 4.d.1.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

NONE

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NONE

7. GOOD AND WELFARE

- a. Report from City Council

NONE

- b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).
- Coyote Valley Specific Plan (Platten)

NO COMMENT

- c. [Review of synopsis](#)

NO COMMENTS

8. ADJOURNMENT

PROPOSED 2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Meeting Logistics</i>	
January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
Monday, February 7	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Jobs/Housing Imbalance</i>	
Monday, February 7	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of General Plan Amendments/development projects</i>	
March 9	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
March 23	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, April 11	CANCELLED	<i>Study Session</i>	Room 400
		<i>Discussion of Alcohol sales</i>	
Monday, April 11	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
Monday, May 2	4:00 p.m.	<i>Study Session</i>	Room 216B
		<i>Review CIP</i>	
Monday, May 2	6:00 p.m.	Regular Meeting	Council Chambers
May 11	4:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i>	
May 11	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
May 25	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Thursday, June 2	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, June 6	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
June 8	CANCELLED	Regular Meeting	Council Chambers
June 15	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	6:00 p.m.	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers
August 10	6:00 p.m.	Regular Meeting	Council Chambers
August 24	6:00 p.m.	Regular Meeting	Council Chambers
September 14	6:00 p.m.	Regular Meeting	Council Chambers
September 28	6:00 p.m.	Regular Meeting	Council Chambers
October 12	6:00 p.m.	Regular Meeting	Council Chambers
October 26	6:00 p.m.	Regular Meeting	Council Chambers
November 9	6:00 p.m.	Regular Meeting	Council Chambers
November 16	6:00 p.m.	Regular Meeting	Council Chambers
December 7	6:00 p.m.	Regular Meeting	Council Chambers